IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 12235 of 2007(F)

OP(ELE).9/2005 of MUNI-MAGI COURT, DEVIKULAM
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PETITIONER:

JAYANTHI RAJAIAH,
NAGAMALA DIVISION, UPPER SURIYANELLY ESTATE,
SURIYANELLY P.O., CHINNAKANAL VILLAGE,
UDUMBANCHOLA TALUK.

BY ADV. SRI.K.GOPALAKRISHNA KURUP
SRI.SADER E.REAZ

RESPONDENTS:
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1. SMT. SREEDEVI ANPURAJ,
UPPER SURIYANELLY KARA,
SURIANELLY P.O., CHINNAKANAL VILLAGE,
UDUMBANCHOLA TALUK.

2. SMT. ANTHONIAMMAL,
NAGAMALA DIVISION, UPPER SURIYANELLY ESTATE,
SURIYANELLY P.O., CHINNAKANAL VILLAGE,
UDUMBANCHOLA TALUK.

R1 BY ADV. SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT. P1 **TRUE COPY OF THE ELECTION PETITION NO.9/05 OF THE MUNSIFF'S COURT, DEVIKULAM.**

EXT.P2 **TRUE COPY OF THE I.A.484/07 AND THE AFFIDAVIT FILED BY THE 1ST RESPONDENT OF THE MUNSIFF'S COURT, DEVIKULAM.**

EXT.P3 **TRUE COPY OF THE WITNESS LIST FILED BY THE FIRST RESPONDENT.**

EXT.P4 **TRUE COPY OF THE ORDER DATED 7.3.07 IN I.A.484/07 OF THE MUNSIFF'S COURT, DEVIKULAM.**

EXT.P5 **TRUE COPY OF THE SUMMONS ISSUED TO THE 16TH WITNESS.**

EXT.P6 **TRUE COPY OF THE PETITION AND THE AFFIDAVIT DTD.4.4.07 FILED BY THE PETITIONER/1S RESPONDENT IN E.P.9/05.**

[True copy]

P.A. to Judge.

M.N. KRISHNAN, J.

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W.P.C. NO. 12235 OF 2007

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Dated this the 27th day of June, 2007.

J U D G M E N T

This writ petition is filed seeking to quash Exts.P4 and P5 passed in Election (OP) 9/05 pending before the Munsiff Court, Devikulam. The main grievance of the writ petitioner is that without examining the petitioner, the Court has directed the 17th witness namely Bhaskaran, the Returning Officer, to produce all documents relating to Chinnakanal Grama Panchayat elections. Ext.P4 order shows that the learned Munsiff has not applied his mind at all regarding the necessity of the documents, its implications and whether it may be summoned or not. Subsequently, Ext.P6 application is filed by the first respondent herein. I feel, since the said petition is pending before the Court, the Court can consider the question of summoning the documents in that petition after hearing the other side and the relevancy and then dispose of the matter in accordance with law. Till the disposal of Ext.P6, the Returning Officer shall not be summoned before the Court.

2. The learned Munsiff is directed to dispose of Ext.P6 application within a time frame of one month from today.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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